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Fax

Attention Examiner Lauren Wells
U.S. Patent and Trademark Office
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Fax no. 571-273-0634
Number of pages including cover page-7 pages

Date May 3, 2004

Concerning Re: Application Ser. No. 09/738,212 (Case 4-118-8353B)-Resubmission of Reply and
Terminal Disclaimer

Pursuant to your request, attached is the reply and terminal disclaimer that was previously filed
on January 8, 2004.

Respectfully submitted,


A handwritten signature in cursive script that reads 'Susan Hess'.
Susan Hess

SH:

CONFIDENTIALITY NOTICE

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CASE 4-118-8353B

CERTIFICATE OF FACSIMILE TRANSMISSION		
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to the Patent and Trademark Office on the date shown below.		
Susan Hess Type or print name	 Signature	May 3, 2004 Date

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IN RE APPLICATION OF
NEUER ET AL.

Art Unit: 1617

Examiner: A. Berman

APPLICATION NO: 09/738,212

FILED: DECEMBER 15, 2000

FOR: PHARMACEUTICAL COMPOSITIONS OF MACROLIDES OR
CYCLOSPORINE WITH A POLYETHOXYLATED SATURATED
HYDROXY-FATTY ACIDCommissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450


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COMMUNICATION

Sir:

As requested by the Examiner and in response to the Notice of Abandonment mailed March 15, 2004, Applicants resubmit the reply and terminal disclaimer that was filed on January 8, 2004 in response to the BPAI decision dated November 10, 2003. A copy of the date-stamped postcard indicating that the reply was timely received by the U.S. PTO is also attached.

Respectfully submitted,

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Susan Hess
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Reg. No. 37,350

Date: May 3, 2004

CASE 4-118-8353B

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1617

NEUER ET AL.

Examiner: Lauren Wells

APPLICATION NO: 09/738,212

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FOR: PHARMACEUTICAL COMPOSITIONS OF MACROLIDES OR
CYCLOSPORINE WITH A POLYETHOXYLATED SATURATED
HYDROXY-FATTY ACIDCommissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450REPLY

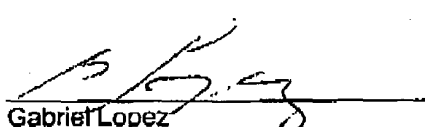
Sir:

This is in response to the BPAI decision dated November 10, 2003.

Cancel claims 31-33 without prejudice to applicants' rights thereto.

The remaining claims are 21-30, which stand rejected solely for double patenting over application 09/547,802. Attached is a Terminal Disclaimer over said application, which moots the rejection.

Respectfully submitted,

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encl: Term Disc. + fee letter

Date: 1/8/04